

REMARKS

I. STATUS OF THE CLAIMS

This Response is to the pending Office Action mailed on April 4, 2006. Claims 1 to 48 are pending in this application. Claims 1, 4, 5, 6, 12, 16, 20, 21, 29 and 45 have been amended without adding new matter. Please charge **Deposit Account No. 02-1818** for a One Month Petition for Extension of Time and any other fees deemed owed.

II. CLAIM REJECTIONS

In the Office Action Claims 16 to 19, 32 and 45 to 48 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 1, 2, 7, 10, 11, 13, 29, 30, 36, 39, 40 and 42 were rejected under 35 U.S.C. §102(a) as anticipated by Japanese Reference 10-144506 to Tosaka et al. (“*Tosaka*”). Claims 20 to 48 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,628,498 to Whitney et al. (“the ‘498 Patent”). Claims 3, 16, 31 and 45 were rejected under 35 U.S.C. §103(a) as obvious in view of *Tosaka* and U.S. Patent No. 6,023,403 to McGuire et al. (“*McGuire*”). Claims 20, 24, 25, 27 and 28 were rejected under 35 U.S.C. §103(a) as obvious in view of *McGuire* and *Tosaka*. Claims 8, 9, 37 and 38 were rejected under 35 U.S.C. §103(a) as obvious in view of *Tosaka*. Claims 15 and 44 were rejected under 35 U.S.C. §103(a) as obvious in view of *Tosaka* and U.S. Patent No. 6,023,403 to Yatsuo et al. (“*Yatsuo*”).

A. REJECTIONS UNDER 35 U.S.C. §112

Applicant respectfully traverses the §112 rejection of claim 32. Applicant notes that the term “heat transferring structure” has antecedent basis in claim 30. The term itself is clear and finds support in the Specification. The amendments to claims 16 and 45 are believed to overcome their §112 rejections and that of respective dependent claims. The amendments are non-narrowing and disclaim no subject matter over the art of record.

B. REJECTIONS UNDER 35 U.S.C. §102

Applicant respectfully traverses the rejection of claims 20 to 48 as anticipated by the '498 Patent. In particular, the inventive material of the '498 Patent relevant to the present claims was invented solely by the inventor of the present application, namely, Stephen J. Whitney. Establishing that the relevant disclosure is Applicant's own work overcomes a §102(e) rejection even if the inventive entities are not exactly the same. M.P.E.P. §2136.05. Enclosed herewith is a declaration under 37 C.F.R. §1.132 establishing that inventive material associated with Figs. 1 to 12 of the '498 Patent, is Applicant's own work.

Regarding the rejection of claim 1 over *Tosaka*, Applicants submit respectfully that *Tosaka* does not teach or suggest thermal coupling of the overvoltage protection portion to the overcurrent protection portion by at least one via formed in the overcurrent protection portion as called for in the claim as presently presented. The patentability of Claim 1 renders moot the anticipation and obviousness rejections of claims 2 to 15 depending from claim 1 over *Tosaka*, *McGuire* and *Yatsuo*.

Regarding the rejection of claim 16 over *Tosaka* and *McGuire*, Applicants submit respectfully that neither reference alone or in combination teaches or suggests a voltage suppressor disposed on the top surface of the second substrate and thermally coupled to the PTC element via a heat sink as called for in the claim as presently presented. The patentability of claim 16 renders moot the anticipation and obviousness rejections of claims 17 to 28 depending from claim 16 over *Tosaka* and *McGuire*.

Regarding the rejection of claim 29 over *Tosaka*, Applicant submits respectfully that *Tosaka* does not teach or suggest an overvoltage protection portion attached to the circuit board and thermally coupled to the overcurrent protection portion via a localized heat transferring structure within a least one of the substrate layers as called for in the claim as presently presented. The patentability of claim 29 renders moot the anticipation and obviousness rejections of claims 30 to 48 depending from claim 1 over *Tosaka*, *McGuire* and *Yatsuo*.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the above-identified patent application and claims 1 to 48 are in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted ,

BELL, BOYD & LLOYD LLC

BY: 
Robert W. Connors
Reg. No. 46,639
Customer Number 29176
Direct No. 312.807.4214

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Enclosure: Declaration of Stephen J. Whitney under 37 C.F.R. §1.132